



# KING COUNTY

## Signature Report

December 2, 2005

### Ordinance 15233

**Proposed No.** 2005-0255.3

**Sponsors** Phillips, Edmonds and Patterson

1 AN ORDINANCE authorizing the BNSF Rail Line  
2 acquisition project for the preservation of transportation  
3 right-of-way in eastside King County cities and making a  
4 supplemental appropriation of \$3,500,000 to the current  
5 expense fund, \$300,000 to the real estate excise tax I fund  
6 and \$3,800,000 to the open space King County non bond  
7 sub-fund; amending the 2005 Budget Ordinance, Ordinance  
8 15083, Sections 42, 114 and 117, as amended, and  
9 Attachments B and E, as amended.

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11  
12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 **SECTION 1. Findings:**

14 A. King County's population increased by over half a million people between  
15 1980 and 2005, more than a forty percent increase in twenty-five years. In conjunction  
16 with this rapid growth in population, King County has continued to provide innovative  
17 regional transportation solutions and a legacy of regional recreation facilities, including

18 our nationally recognized regional trail system, which currently contains over one  
19 hundred miles of paved trails and seventy miles of unpaved trails.

20 B. The Burlington Northern Santa Fe ("BNSF") Rail Line corridor is currently a  
21 forty-seven-mile railroad line within King County that travels through the cities of  
22 Renton, Newcastle, Bellevue, Kirkland, Redmond and Woodinville, in part along Lake  
23 Washington and adjacent to several public park facilities, to the city of Snohomish.

24 C. The BNSF Railway operates the railroad line and intends to enter into  
25 negotiations with King County to convey its interests in the line to King County, through  
26 the federal Rail Banking program, offering the county a unique opportunity to retain the  
27 corridor's continuous, unbroken ownership for potential recreation and transportation  
28 uses before it is subdivided, sold for development and lost forever.

29 D. The BNSF Rail Line could provide a critical north to south link in the King  
30 County regional trail system through the heart of the county's eastside cities and could  
31 serve as a major spine of the system by providing an off-road trail link with other  
32 regional trails, including the Burke-Gilman and Sammamish Valley trails to the North,  
33 the Cedar River trail to the south, and the Interstate 90/Mountains to Sound Greenway  
34 trail to the east and west, among other transportation uses. The BNSF Rail Line corridor  
35 could provide eastside residents safe, off-road access to these trails while alternatively  
36 providing all King County residents with safe and enjoyable off-road access to many  
37 attractions of the eastside cities, including recreational, commercial and employment  
38 destinations.

39 E. By extending to the city of Snohomish, the BNSF Rail Line trail could help  
40 expand the growing regional trail system of western Puget Sound, providing another

41 critical link between trails, parks and other destinations, not only for residents of King  
42 and Snohomish counties, but also for residents of the western sound's other counties.

43 F. Rail Banking allows for the corridor to be used for rail and trail purposes. It is  
44 recognized that existing commercial rail use by the Spirit of Washington Dinner Train,  
45 the Boeing Company, Weyerhaeuser and other parties are important to the economic  
46 well-being of the region, and the county will work to ensure that future uses of the  
47 corridor best serve the public interest, recognizing these economic benefits, among other  
48 factors. No decisions about the final use or design of the corridor will be made without a  
49 full and thorough public process that provides an opportunity for involvement by the  
50 citizens of King and Snohomish counties as well as all impacted cities, communities,  
51 current BNSF customers and other stakeholders. As part of the information base  
52 necessary to support a decision on the acquisition of the corridor, the executive will  
53 undertake an active outreach process that includes at least the following elements: public  
54 meetings in local communities; a mailing list to provide updates to interested persons; a  
55 website posted with project status and progress; regular communications with  
56 communities along the route, interest groups and local newspapers and other media  
57 outlets. Furthermore, the council will review the forthcoming recommendation from the  
58 Puget Sound Regional Council's Executive Board and input from the oversight  
59 committee established by PSRC prior to establishing or altering the specific use or uses  
60 of the corridor.

61 G. The region has learned from the experiences of Sound Transit negotiations  
62 with the BNSF Company that obtaining access to the existing regional rail system can be  
63 difficult. It is the intent of the council that any agreement negotiated by the executive

64 shall include overhead trackage rights for future passenger service, including the Spirit of  
65 Washington Dinner Train, on four miles of BNSF right of way south of the forty-seven  
66 mile segment to the junction of tracks currently used by Sound Transit commuter rail.

67 H. BNSF has made clear its intent to sell the trail to either public or private  
68 entities. It is critical to acquire this corridor in public ownership so that any decisions  
69 about the future of the corridor are made by the public and serve the public interest.

70 I. It is the intent of the council that a refundable deposit of \$3,500,000 be made  
71 toward the acquisition of the property and that it shall be funded through an interfund  
72 loan from the current expense fund. Making said deposit from the current expense fund  
73 shall in no way commit the current expense fund to financing any portion of a potential  
74 purchase of the property. It is the further intent of the council that, should the purchase  
75 of the rail line go forward, the financing plan for the purchase will provide for  
76 reimbursement of the \$3,500,000 to the current expense fund and \$300,000 to the REET I  
77 fund. In the event that the purchase does go forward, the refundable deposit will be  
78 returned to the current expense fund and the REET I fund will be reimbursed the  
79 \$300,000.

80 J. The county has historically secured federal funding to assist with corridor  
81 preservation and will aggressively pursue federal funding for the potential acquisition of  
82 significant segments of the BNSF corridor and coordinate this activity with the Puget  
83 Sound Regional Council and other entities.

84 K. It is the intent of the council that the due diligence effort being funded by this  
85 appropriation will include:

- 86           1. An analysis of impacted, private sector business enterprises along the rail  
87 corridor who use it now and who plan to use it in the future;
- 88           2. An analysis of the fiscal, management and legal issues of subcontracting rail  
89 management to a private company;
- 90           3. Estimates of the cost of the repairs that would be necessary to maintain the  
91 rail line as a working freight corridor;
- 92           4. An appraisal of the property that includes an analysis of existing conditions  
93 and use; and
- 94           5. A legal analysis of the federal rail banking provisions and potential use for  
95 rails and trails.

96           L. No agreement should be submitted to the clerk of the council that does not  
97 allow at least sixty days for council consideration before funds must be committed or  
98 refundable moneys will be lost.

99           M. It is the intent of the council that the due diligence effort being funded by this  
100 appropriation shall include an analysis of impacts on traffic flows and a financial analysis  
101 of any needed improvements to insure the safety of trail users where the trail intersects  
102 with major roads and arterials along its route, including but not limited to: the  
103 intersection with NE 8th St. in Bellevue; NE 85th St., NE 116th St. and 124th Ave. NE in  
104 Kirkland; and major intersections in Kenneydale, South Renton and Woodinville.

105           SECTION 2. There is hereby authorized and adopted the creation of the BNSF  
106 Rail Line acquisition project for acquisition of the railroad corridor currently owned by  
107 Burlington Resources and located between several eastside King County cities, including

Renton, Newcastle, Bellevue, Kirkland, Redmond and Woodinville, to the Snohomish county line, consistent with the findings of this ordinance.

SECTION 3. Ordinance 15083, Section 42, as amended, is hereby amended by adding thereto and inserting therein the following:

From the current expense fund there is hereby appropriated to:

CIP CX Transfers	\$3,500,000
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SECTION 4. Ordinance 15083, Section 114, as amended, is hereby amended by adding thereto and inserting therein the following:

From the real estate excise tax I fund there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment I to this ordinance.

<u>Fund</u>	<u>Capital Fund Name</u>	<u>Amount</u>
3681	REET I	\$300,000

SECTION 5. Attachment I to this ordinance hereby amends Attachment B to Ordinance 15083, as amended, by adding thereto and inserting therein the projects listed in Attachment I to this ordinance.

SECTION 6. Ordinance 15083, Section 117, as amended, is hereby amended by adding thereto and inserting therein the following:

From the open space King County non bond sub-fund there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment E to Ordinance 15083.

<u>Fund</u>	<u>Fund Name</u>	<u>Amount</u>
3522	Open Space KC Non-Bond Sub-fund	\$3,800,000

131           ER2 EXPENDITURE RESTRICTION:  
132           Of this appropriation, \$3,500,000 shall be expended solely for the purpose of  
133           making a refundable deposit into escrow on the acquisition of Burlington Northern Santa  
134           Fe rail line. Any interest earned on such deposit while these funds are in escrow shall  
135           accrue one-half to Burlington Northern Santa Fe Railway Company and one-half to King  
136           County, in accordance with the agreement between the county and Burlington Northern  
137           Santa Fe Railway Company, dated May 9, 2005.

138            SECTION 7. Attachment II to this ordinance hereby amends Attachment E to  
139            Ordinance 15083, as amended, by adding thereto and inserting therein the projects listed  
140            in Attachment II to this ordinance.

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Ordinance 15233 was introduced on 5/31/2005 and passed as amended by the  
Metropolitan King County Council on 7/11/2005, by the following vote:

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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ATTEST:

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APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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**Attachments**        A. Attachment I. Adopted Ordinance 15083, Section 114: Capital Improvement  
Program - Fund 3681 - Revised 6-29-05, B. Attachment II. Surface Water  
Management Capital Improvement Program - Fund 3522